



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY**

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December 18, 2007

Ms. JoAnn Jaschke
Cal/EPA Unified Program
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815

**RE: Progress Report for Nevada County Department of Environmental Health
(NCDEH) CUPA**

Dear Ms. Jaschke:

NCDEH is in receipt of Mr. Bohon's email dated December 18, 2007 and appreciate his assistance in clarifying our necessary response specific to the noted deficiencies. Subsequent to his correspondence, NCDEH is providing you with the following updates to the noted deficiencies (Items 1, 5, 8, and 9) reported July 10, 2007:

EPA Item 1. *The CUPA has not inspected all businesses subject to the Business Plan, CalARP, and Hazardous Waste programs.*

NCDEH CUPA currently has 356 regulated businesses identified and has conducted inspections at all of these facilities. Last year NCDEH CUPA completed 109 inspections and has set a goal of inspecting a minimum of 33% of all regulated facilities exceeding the required tri-annual frequency. Since July of this year NCDEH has completed inspections at 29% of all regulated facilities which is more than minimum annual requirement in our goal.

NCDEH CUPA currently has identified 16 CalARP facilities and has conducted 16 audits at these facilities. Currently all identified CalARP facilities have been inspected. Cooperative training programs and industry user groups have been formed thru NCDEH and a representative will attend all upcoming PHA's and self audits to ensure facility compliance.

NCDEH CUPA has completed inspections all 190 identified Hazwaste facilities. NCDEH has set its goal of inspecting at least 33% of these facilities annually. Since July of this year NCDEH CUPA has completed inspections at 30% of the 190 regulated facilities ahead of our intended annual goal.

NCDEH has taken the following steps to meet and clear this noted deficiency: A Senior Hazmat Tech has been assigned to the CUPA program and under the supervision of the CUPA Director, conduct the tasks of 1) surveying and identifying unpermitted HMBP and Hazwaste generating facilities, 2) conducts outreach tasks to permit identified facilities, 3) assists CUPA staff by

tracking and permitting new facilities and entering the required facility data into the NCDEH Envirovision Connect data base system, 4) facilitates inspections conducted by CUPA staff, and 5) final filing of HMBP and Hazwaste Contingency Plans.

In addition, hard copy inspection reports are being tracked by senior staff to provide cursory assessments of inspection frequency, and violation and enforcement evaluations.

EPA Item 5. *The CUPA is not adequately tracking information, which is necessary to accurately complete the annual state summary reports.*

At this time, the NCDEH Envirovision Connect tracking system is functioning for all programs (excluding the Underground Storage Tank program). This would include, for example, entering of inspection data into the regulated facility record, entering action taken i.e., violations (major, minor, cos, etc.), return to compliance, enforcement actions, referrals, etc. Summary Statements are currently available for these CUPA programs through Envirovision Connect.

EPA Item 8. *The CUPA is not ensuring that businesses certify, at least once every three years, that the businesses have reviewed and updated the Business Plans.*

At this time NCDEH CUPA has reviewed all HMBP's on file and has taken the appropriate measures to update the required annual and tri-annual certifications. A Telefax (blast fax) was sent out 7/07 to all listed facilities for their notification for HMBP certification. In addition, annual notifications will be provided in the regulated/permitted facilities annual billing statements.

To assist CUPA staff with these tasks, the Hazmat Tech has been assigned to monitor the certification mailings and businesses compliance.

EPA Item 9. *The CUPA is not regulating agricultural handlers under the Business Plan Program.*

NCDEH CUPA has been working with the NC Ag Commissioner to remedy this deficiency. NCDEH CUPA has met with the NC Ag Commissioner and provided the necessary HMBP requirements in addition to exempted facilities along with requesting any inventory their department may have with regards to potentially regulated facilities.

Should you have any questions to these matters, please contact me at (530) 265-1767 or email at david.huff@co.nevada.ca.us.

Respectfully submitted:



David Huff, REHS, CHMM
NCDEH

cc Wesley Nicks, Director, NCDEH
 Pat Ditrovati, NCDEH
 Jim Bohon, CalEPA

Cal/EPA's Response to Nevada County's Deficiency Progress Report

CUPA: Nevada County Environmental Health Department

Date of Evaluation: May 2005

Date the progress report was submitted: December 18, 2007

Cal/EPA's response to remaining deficiencies

1. The CUPA has not inspected all businesses subject to the Business Plan, CalARP, and Hazardous Waste programs.

Cal/EPA Response: The CUPA has sufficiently corrected this deficiency.

5. The CUPA is not adequately tracking information, which is necessary to accurately complete the annual state summary reports.

Cal/EPA Response: The CUPA has sufficiently corrected this deficiency.

8. The CUPA is not ensuring that businesses certify, at least once every three years, that the businesses have reviewed and updated the Business Plans.

Cal/EPA Response: The CUPA has sufficiently corrected this deficiency.

9. The CUPA is not regulating agricultural handlers under the Business Plan Program.

Cal/EPA Response: The CUPA has sufficiently corrected this deficiency.

Over all CUPA Progress: The CUPA has corrected all deficiencies identified from the 2005 CUPA evaluation. No further updates are needed. Nevada County will receive the official closure letter to the 2005 CUPA evaluation within three weeks.